



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 17 2002

Carol E. Dinkins, Esq.
Vinson & Elkins
2300 First City Tower
1001 Fannin Street
Houston, TX 77002-6760

Re: U.S. EPA letter to New Jersey Health Department

Dear Ms. Dinkins:

I am enclosing a copy of the letter that Sharon Jaffess, co-remedial project manager for the Passaic River Study Area, sent to the State of New Jersey transmitting the Creel Angler/Survey submitted by Chemical Land Holdings, Inc. I am sorry that there was a delay in getting this to you.

Should you have any additional questions, please contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia C. Hick".

Patricia C. Hick
Assistant Regional Counsel

Enc.





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May 10, 2002

Dr. Jerald Fagliano, Program Manager
New Jersey Department of Health and Senior Services
Hazardous Site Health Evaluation Program
Division of Epidemiology, Environmental and Occupational Health
3635 Quakerbridge Road
P.O. Box 369
Trenton, New Jersey 08625-0369

Re: Transmittal of Tierra Solutions, Inc.'s
Passaic River Study Area Creel/Angler Survey Data Report

Dear Dr. Fagliano:

The United States Environmental Protection Agency (EPA) is overseeing a Remedial Investigation and Feasibility Study (RI/FS) for the Diamond Alkali Superfund Site, Operable Unit Two - Passaic River Study Area (PRSA). The work is being performed pursuant to an Administrative Order on Consent (AOC) with one of the potentially responsible parties (PRPs), Tierra Solutions, Inc. (TSI), formerly known as Chemical Land Holdings, Inc. As part of this RI/FS, TSI has performed sediment and ecological sampling in the PRSA. The PRSA runs from approximately the Newark/Kearny area down to the mouth of the river, at its confluence with Newark Bay and the Hackensack River. You can refer to a map of the study area on our web site, http://www.epa.gov/Region2/superfund/pass_ou2.htm.

In this context, EPA and TSI discussed performance of a creel/angler survey to gather data on fish consumption patterns for inclusion in the human health risk assessment. TSI submitted a creel/angler survey work plan for review and approval. However, EPA and the New Jersey Department of Environmental Protection (NJDEP) reviewed the work plan and found it to be inadequate. EPA provided TSI comments to correct the deficiencies. TSI refused to accept the comments, and contrary to EPA's direction, performed the survey using the disapproved work plan.

EPA received the survey report, entitled, "Passaic River Study Area Creel/Angler Survey Data Report," that TSI submitted and a cursory review leads us to believe that there are flaws in the study's assumption and methodology, as well as in the conclusions drawn from the data gathered. However, EPA is transmitting a copy of this report to you for your information because the report is instructive insofar as it concludes that approximately 30% of the people catching fish are

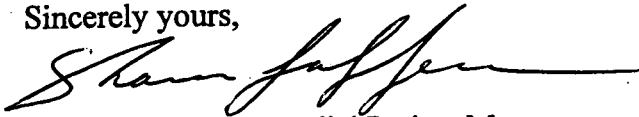
keeping them. These findings are important in regards to the existing NJDEP Fish Advisory (Administrative Order EO-40-17). NJDEP, with EPA's support, has installed trilingual "Do Not Eat Any Fish or Crabs From These Waters" signs along the Passaic River waterfront. Based on the information from the survey (as well as from the published work of J. Burger, Rutgers and K.K. Pflugh, NJDEP), the signs alone are not fully effective in deterring consumption of an angler's catch.

For the short-term, this public education seems to be the best source of protection for the fish- and crab-eating population. Because of the multiple sources of contamination (e.g., sediment, combined sewer overflows, groundwater discharges from industrial facilities, etc.), any remedy for cleaning up the Passaic River will be complex and consequently, cannot be implemented immediately.

This issue of fish and crab consumption is a topic that EPA will be looking at more carefully as the RI/FS goes forward with its additional investigations, including the risk assessment. EPA would welcome input from the Department of Health in this endeavor.

If you have any questions about this matter, please contact me at (212) 637- 4396.

Sincerely yours,



Sharon Jaffess, Remedial Project Manager
Emergency & Remedial Response Division

Enclosure.

cc: Arthur Block, ATSDR
Jonathan Berg, NJDEP
Linda Cullen, NJDEP
Anne Hayton, NJDEP
Kerry Kirk Pflugh, NJDEP
James Pasquale, NJDOHHS